

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on February 6, 2001
at 8:00 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Department of Corrections,
Montana Women's Prison, Pine
Hills Youth Correctional
Facility, 2/3/2001
Executive Action: None

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HEARING ON DEPARTMENT OF CORRECTIONS

MONTANA STATE WOMEN'S PRISON

Ms. Jo Acton, Warden of the Montana Women's Prison, gave an overview of the prison in Billings.

EXHIBIT (jch30a01)

She stated the current count of prisoners is 149 with 69 housed in Billings, 60 in Shelby Regional Prison, 12 in jail holding, and 8 in transition; however, only 7% of women under supervision in the state are incarcerated. Approximately 85% of the women have dependent children and have been the primary caregiver. The program provided by the Montana State Women's Prison (MWP) is not so much for the sake of the mothers, but for the welfare of the children to ensure they do not follow their mothers into the system. **Ms. Acton** stated Kid's Day is one Saturday a month to allow the mothers to have an extended visit with their children and participate in a variety of activities to encourage the bonding process. A very high percent of women at MWP have been victims of sexual abuse and/or neglect themselves before entering into criminal activities.

Ms. Acton added a chapel had recently been dedicated at the facility which was built with all donated funds. This is adding to the spiritual growth of the female inmates. They have found women respond more favorably to programming and treatment than men do. A list of programs is attached to these minutes.

EXHIBIT (jch30a02)

Ms. Acton then went over the budget requests particularly addressing the overtime amounts.

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She stated overtime is required when an inmate has to be hospitalized; guards are required 24 hours a day in that situation until the inmate can be returned to the facility.

EXHIBIT (jch30a03)

SEN. CHRISTIAENS asked about the overtime savings in phasing in three 8-hour shifts rather than the longer shifts. The committee also discussed the increases in utility costs expected. The current utility figures do not include an inflationary factor since it is expected to be addressed on a global level. **Ms. Lorene Thorson, Legislative Fiscal Branch Representative (LFD),** added the LFD has an analyst looking at the utility costs and are addressing it globally so that all agencies are treated

consistently. It will however be addressing only the deregulated areas of utility costs.

REP. PATTISON asked about cost reductions in quantity buying, particularly in food costs, with other state agencies. He noted the food costs for the New Mexico Prison were lower than for Montana. **Ms. Acton** replied her buyer is very good at smart shopping at the local level (which promotes the "good neighbor" atmosphere), and they do share costs with the Montana State Prison on such items as milk and other dairy. New Mexico is a larger corporation able to buy in larger quantities and keep the costs a little lower than Montana facilities. The current cost per day is \$55.00 at MWP compared to \$61.00 at Montana State Prison. (The LFD Representative gave figures for FY 2000 of \$45.56 for MSP and \$89.58 at MWP)

Ms. Acton stated women sent to prison usually have committed a violent crime or failed miserably in the community. Judges will first put them on probation if possible. They also have chemical dependency issues. Women are more embarrassed than men about being incarcerated.

CHAIRMAN FISHER noted the large amount of overtime. Ms. Acton commented the overtime will go down when the new facility opens due to shift changes, additional staff, and having an infirmary. The inmates will triple; the staff will double. The capacity for the new facility will be 205 with future expansion abilities to 350 on that site. There are two exhibits depicting the expansion.

EXHIBIT(jch30a04) and **EXHIBIT(jch30a05)**

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The committee continued with further discussion on the prison costs and statistics on women in prison. **Mr. Bill Slaughter, Director, Department of Corrections**, stated there are women housed in the Shelby facility that will be moving to MWP when the expansion is ready. They are anxious to move them to the women's facility as Shelby was not built to house women. **SEN. MOHL** expressed his concern about the increasing prison populations in Montana when the state overall population is not increasing at a very high rate.

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Mr. Slaughter continued he feels it is important to be good neighbors in Billings and to give back to the community by

purchasing locally when possible. The community has accepted the MWP and works with the facility.

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PINE HILLS YOUTH CORRECTIONAL FACILITY

Mr. Steve Gibson, Director, Pine Hills Youth Correctional Facility (Pine Hills), distributed a fact sheet and a program schedule for a typical week at Pine Hills.

EXHIBIT(jch30a06) and **EXHIBIT(jch30a07)**

Mr. Gibson thanked the members of the committee who visited the facility. He gave an overview of a typical day. It involves wake-up at 6:15 a.m., no TV unless earned on a very restricted basis, group counseling, regular school classes, recreation, kitchen and laundry duty, community meetings, and showers. The current population of boys is 103 dispersed in various units such as chemical dependency, sex offenders, and maximum security.

Mr. Gibson touched briefly on the budget requests. The current cost per day is \$110. He feels the cost at Pine Hills is very well contained; other rural states such as South Dakota, Iowa, and Kentucky run about \$202 per day. Overtime is a factor for his staff as well as other correctional facilities. The 24 hour day/7 day-a-week posts that must be manned create overtime costs. He stated a post cannot be left vacant even for a 15-minute bathroom break. Holiday overtime cost alone runs \$87,000 per year. At this time he stated \$700,000 has been cut out of the Pine Hills budget to meet the LFD issues. He reminded the committee Pine Hills has not gone over budget in the ten years he has been the Director. He also commented Pine Hills is a major contributor to the economy in Miles City with 130 employees. In closing, **Mr. Gibson** stated Pine Hills is a fully accredited state public school serving over 400 school districts in the state.

There was some discussion regarding the schooling, dropouts received, education level upon entry at Pine Hills, special education classes, emphasis on reading (3-4 books a week), and how the inmate is handled upon turning age 18. **Mr. Gibson** stated most boys are released from Pine Hills before they turn 18 and put on probation or parole with after care programs being set up. With the new facility, the length of stay has increased. The stay is for treatment rather than for punishment; the longer the stay and the longer the treatment, the lower the recidivism rate. **Mr. Gibson** stated they are now able to track the number of Pine Hills Youth who are later admitted to Montana State Prison. For

the past five-year period the rate has been about 5.9%. It is a difficult figure to establish. Recidivism rates have been much higher in other states. There was further discussion on the effectiveness of treatments and the resulting prevention of inmates returning to the prison system.

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SEN. CHRISTIAENS asked about the wages paid to inmates at the prisons. **Mr. Joe Williams, Director, Administrative Services Division, Department of Corrections**, explained how the wages were paid, how the figure was determined, increases given, jobs available, and how the wages are used by the inmates. **Ms. Acton** commented on the jobs and wages at the MWP.

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Discussion continued regarding the inmate wages. There was concern about the co-payment requirement for medical treatment for those inmates who did not have a job and wages. **Ms. Acton** assured the committee the indigent inmates are not penalized in any way in regards to medical treatment.

CHAIRMAN FISHER asked about the Hepatitis C problem at the MWP. **Mr. Slaughter** responded they are working with the Department of Public Health and Human Services to identify the population and the treatment plan. The issues are how to pay for the treatment and how to be consistent throughout the system. They also need to implement a continuing treatment plan for inmates released before treatment is completed. **Mr. Gibson** stated Pine Hills has a treatment in place for both staff and offenders but they would become part of the overall system when it is established.

SEN. CHRISTIAENS asked for clarification on the pre-release center costs. **Mr. Williams** will get further information for the committee. **SEN. CHRISTIAENS** also asked about the Helena Pre-release center start up costs. **Mr. Williams** stated those costs had been approved by the last legislature and the center will be ready to go in April. **Ms. LaFond** stated screening has already started to fill the Helena beds.

CHAIRMAN FISHER closed the hearing on the Department of Corrections.

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REVISIT DEPARTMENT OF JUSTICE ATTORNEY GENERAL'S EXEMPT SALARIES

CHAIRMAN FISHER reopened the Attorney General's budget in the Department of Justice for further consideration of the committee.

SEN. ZOOK explained that in a previous action taken by the committee, \$80,000 was granted to the Attorney General's Office for exempt salary positions. It was later determined no other departments had increases in the budgets for this purpose. He was concerned that all agencies be treated consistently.

Mr. Larry Fasbender, Deputy Director, Department of Justice, defined exempt pay positions as staff hired by an elected official at an increased salary other than traditional state scale. He distributed information on average salaries throughout various state agencies and FTE's.

EXHIBIT(jch30a08) and **EXHIBIT(jch30a09)**

He stated other agencies had increased their exempt pay positions at a faster rate than the Attorney General's Office had under the previous official. As a result, the Attorney General's Office is behind and now faced with replacing a retiring solicitor. In order to find quality lawyers, the salary offered needs to be raised from \$56,000 to \$70,000.

Ms. LaFond concurred that no other elected official has a new proposal in either the Racicot or Martz budget for exempt salary increases. The action taken previously by the committee was to grant \$15,000 state special funds and \$65,000 general funds.

There was further discussion to clarify the situation. **CHAIRMAN FISHER** felt the lower cost of living in Montana should be considered in comparing higher wages with other western states. **REP. PATTISON** also pointed out the quality of living in Montana should be considered. **SEN. CHRISTIAENS** commented "you get what you pay for" and sometimes more money is necessary to get quality people.

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Motion/Vote: **SEN. ZOOK** moved that **\$15,000 STATE SPECIAL FUNDS ONLY BE GRANTED FOR THE ATTORNEY GENERAL'S OFFICE TO INCREASE THE SALARIES OF EXEMPT STAFF BE ADOPTED.** Motion carried 4-3 with Callahan, Christiaens, and Shea voting no.

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GAMBLING CONTROL DIVISION LANGUAGE ADJUSTMENT

Mr. Gene Huntington, Administrator, Gambling Control Division, gave the committee some background on the Automated Accounting Reporting System.

EXHIBIT(jch30a10) and EXHIBIT(jch30a11)

In developing the system, an interface board is necessary to place in the gambling machines in order to communicate with the system. It was determined one source should be available for purchase of these boards rather than each machine manufacturer finding their own supplier. It was understood the funds needed to purchase the boards in advance would be a budget item. They need to advance funds to the source for production and then in turn sell them to the machine manufacturers. The funds would be replaced by the amount received from the manufacturers.

Mr. Steve Bender, Assistant Budget Director, explained the situation further. It is necessary for the state to keep a fence around any private funds to avoid any misuse of spending. Therefore, appropriation authority is required to spend the funds. The received funds from selling the boards need to be on the books and the state needs to account for the use of the funds. The proposed language is in the following exhibit. This language should have been included in the original budget requests. The budget request is a wash.

EXHIBIT(jch30a12)

This is a continuation of language in HB 2 last session with some fine tuning to serve as a reminder to the next legislature about this process. It is accounted for in the Martz Budget.

There was a short discussion about the state being in the gambling business. Since gambling had been voted in by the people, these items need to be dealt with for business to go forward.

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Motion/Vote: SEN. CHRISTIAENS moved that THE DEPARTMENT IS AUTHORIZED TO EXPEND UP TO \$2,800,000, FOR THE BIENNium, FROM STATE SPECIAL REVENUE FUNDS FOR THE PURCHASE OF SYSTEM INTERFACE BOARDS TO BE USED FOR THE IMPLEMENTATION OF THE AUTOMATED ACCOUNTING AND REPORTING SYSTEM BE ADOPTED. Motion carried 6-1 with Pattison voting no.

Mr. Huntington explained the additional language needed per exhibit 12. **Ms. LaFond** stated the language was in HB 2 for this biennium to show the intent of the legislature to continue to install the automated systems and that the legislature understand it is the intent that it is a voluntary program and it will continue.

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Motion/Vote: SEN. CHRISTIAENS moved that THE APPROPRIATION FOR THE GAMBLING CONTROL DIVISION CONTAINS FUNDING FOR THE AUTOMATED ACCOUNTING AND REPORTING SYSTEM. THE GENERAL FUND APPROPRIATION OF \$380,000 IN EACH YEAR OF THE 2003 BIENNIUM REFLECTS CONTINUATION OF A 5-YEAR GENERAL FUND COMMITMENT FOR THIS PROJECT THROUGH THE 2005 BIENNIUM. IT IS THE INTENT OF THE LEGISLATURE THAT AN ANNUAL GENERAL FUND COMMITMENT OF \$236,250 BE CONTINUED IN EACH YEAR OF THE 2007 BIENNIUM. IF THE LRBP COMMITTEE BILL, TO UTILIZE INTERCAP FUNDING FOR AARS IMPLEMENTATION, IS PASSED BY THE 2001 LEGISLATURE, A PORTION OF THE ABOVE APPROPRIATIONS MAY BE USED TO MAKE DEBT SERVICE PAYMENTS" BE ADOPTED. Motion carried 6-1 with Pattison voting no.

CHAIRMAN FISHER adjourned the meeting.

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ADJOURNMENT

Adjournment: 10:40 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch30aad)